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17 The National Association of Realtors
18 and The National Association of
19 Home Builders of the United States

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 KEVIN KEITHLEY and TREN
24 TECHNOLOGIES HOLDINGS, LLC,

25 Plaintiffs,

26 v.

27 THE HOMESTORE.COM, INC., THE
28 NATIONAL ASSOCIATION OF REALTORS
and THE NATIONAL ASSOCIATION OF
HOME BUILDERS OF THE UNITED STATES,

29 Defendants.

30 CASE NO. C03-04447 SI (EDL)

31 **DISCOVERY MATTER**

32 **DEFENDANTS' ADMINISTRATIVE
MOTION FOR FILING UNDER SEAL**

33 **SUPPORTING DECLARATION OF
JENNIFER L. SHODA**

34 **[PROPOSED] ORDER**

35 Dept.: Courtroom E, 15th Floor
36 Mag. Judge: Elizabeth D. Laporte

37 {00019929.DOC; 1}

38 DEFENDANTS' ADMINISTRATIVE MOTION FOR FILING UNDER SEAL; SUPPORTING
39 DECLARATION OF JENNIFER L. SHODA; [PROPOSED] ORDER
40 Case No. C03-04447 SI (EDL)

1 **ADMINISTRATIVE MOTION FOR FILING UNDER SEAL**

2 **1. Papers Submitted For Filing Under Seal In Their Entireties**

3 Pursuant to Civil Local Rules 7-11 and 79-5(b), Defendants Move, Inc. (formerly Homestore,
4 Inc.), the National Association of Realtors and the National Association of Home Builders of the
5 United States hereby request leave of the Court to file under seal in their entirety the following
6 documents being lodged with the Clerk:

- 7 • Exhibit 2 to the Declaration of Michael Neymit In Support of Defendants'
8 Memorandum In Response to Plaintiffs' Requests for Terminating, Evidentiary and
9 Monetary Sanctions;
10 • Exhibit 2 to the Declaration of Luther Orton In Support of Defendants' Response to
11 Plaintiffs' Requests for Terminating, Evidentiary and Monetary Sanctions.

12 Defendants have marked the documents contained in these exhibits as Highly Confidential –
13 Attorneys' Eyes Only by Defendants, and said exhibits contain highly sensitive, confidential business
14 information.

15 **2. Declaration Submitted for Partial Filing Under Seal**

16 Defendants assert that portions of the Declaration of Michael Neymit In Support of
17 Defendants' Memorandum In Response to Plaintiffs' Requests for Terminating, Evidentiary and
18 Monetary Sanctions contains highly sensitive, confidential business information.

19 Accordingly, Defendants respectfully request leave of the Court to file under seal portions of
20 the highlighted, confidential version of the Declaration of Michael Neymit In Support of Defendants'
21 Memorandum In Response to Plaintiffs' Requests for Terminating, Evidentiary and Monetary
22 Sanctions

23 As required by Civil Local Rule 79-5(c), Defendants are lodging with the Clerk a
24 HIGHLIGHTED, CONFIDENTIAL copy of the declaration listed above in which the asserted
25 confidential information is highlighted for filing under seal and for Judge Laporte's chambers and a
26
27

1 REDACTED, NON-CONFIDENTIAL copy of the declaration listed above in which the asserted
 2 confidential information is redacted for filing in the public record.

3 **3. Motion Submitted for Partial Filing Under Seal**

4 Defendants assert that portions of their Memorandum In Response to Plaintiffs' Requests for
 5 Terminating, Evidentiary and Monetary Sanctions contain excerpts from documents marked Highly
 6 Confidential – Attorneys' Eyes Only by Defendants.

7 Accordingly, Defendants respectfully request leave of the Court to file under seal portions of
 8 the highlighted, confidential version of Defendants' Memorandum In Response to Plaintiffs'
 9 Requests for Terminating, Evidentiary and Monetary Sanctions.

10 As required by Civil Local Rule 79-5(c), Defendants are lodging with the Clerk as follows:

- 11 • HIGHLIGHTED, CONFIDENTIAL version of Defendants' Memorandum In
 12 Response to Plaintiffs' Requests for Terminating, Evidentiary and Monetary Sanctions
 13 in which the asserted confidential information is highlighted for filing under seal and
 14 for Judge Laporte's chambers; and
- 15 • REDACTED, NON-CONFIDENTIAL version of Defendants' Memorandum In
 16 Response to Plaintiffs' Requests for Terminating, Evidentiary and Monetary Sanctions
 17 in which the asserted confidential information is redacted for filing in the public
 18 record.

20 Dated: June 17, 2008

21 SNYDER MILLER & ORTON, L.L.P.

22 By: _____/s/

23 Jennifer Shoda
 24 Attorneys for Defendants The Homestore.com,
 25 Inc., The National Association of Realtors, and
 26 The National Association of Homebuilders of the
 27 United States

SUPPORTING DECLARATION OF JENNIFER L. SHODA

I, Jennifer L. Shoda, declare as follows:

1. I am an attorney at law licensed to practice before all courts of the state of California and before the various federal courts in California. I am an attorney in the law firm of Snyder Miller & Orton LLP, counsel in this case to Defendants The Homestore.com, Inc., now Move, Inc., the National Association of Realtors, and the National Association of Home Builders of the United States. I have knowledge of all of the following facts and, if called as a witness, could and would competently testify thereto.

2. The representations made above in this Administrative Motion are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 17th day of June, 2008, in San Francisco, California.

Jennifer L. Shoda /s/

[PROPOSED] ORDER

1
2 Upon good cause shown, IT IS HEREBY ORDERED that the following documents be filed
3 under seal:

- 4
- Exhibit 2 to the Declaration of Michael Neymit In Support of Defendants' Memorandum In Response to Plaintiffs' Requests for Terminating, Evidentiary and Monetary Sanctions;
 - Exhibit 2 to the Declaration of Luther Orton In Support of Defendants' Response to Plaintiffs' Requests for Terminating, Evidentiary and Monetary Sanctions.
 - HIGHLIGHTED, CONFIDENTIAL version of the Declaration of Michael Neymit In Support of Defendants' Memorandum In Response to Plaintiffs' Requests for Terminating, Evidentiary and Monetary Sanctions; and
 - HIGHLIGHTED, CONFIDENTIAL version of Defendants' Memorandum In Response to Plaintiffs' Requests for Terminating, Evidentiary and Monetary Sanctions.

15 **IT IS SO ORDERED.**

16
17 Dated: July 21, 2008

